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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,764	05/04/2001	Sakae Ishikawa	207187US2	7828

22850 7590 12/05/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

BUTLER, MICHAEL E

ART UNIT PAPER NUMBER

3653

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,764

Applicant(s)

ISHIKAWA ET AL.

Examiner

Michael Butler

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 and 12-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claims of priority to Japanese applications: 2001-47288 filed 2/22/01; 2000-356640 filed 11/22/00; 2000-135235 filed 5/18/00.

Election/Restriction

2. Applicant's election of invention I without traverse in Paper No. 12 was acknowledged and made final. Applicant's election of Species I with traverse in Paper No. 12 is acknowledged and the species requirement is made final. Applicant identified claims 1-11 as reading on the elected species.

MPEP § 816 relates to patentably distinct inventions, not species.

Applicant asserts no mutually exclusive species have been identified:

Applicant per MPEP § 806.04(f), there was no identification of mutually exclusive species. Same time and different time are clearly mutually exclusive times. Same location and different locations are clearly mutually exclusive. Same type product and differing type product are mutually exclusive products.

Applicant argues there would be no undue burden to all claimed species. However, burden is a restriction requirement element, not a species requirement element.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

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- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-2 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Knudsen,

Jr. which discloses:

(Re: cl 1) A specification unit 25 configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c9 L 29-c10 L 13; c4 L 14-30);

Instruction unit configured to provide delivery procedure for second article (c12 L 6-45);

(Re: cl 2) pallet with at least one of: top and plurality of supports and shock absorbers (c5 L 1-29)

(Re: cl 7) third rack (c8 L 18-34)

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c10 L 58-67)

(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article (c7 L 41-c8 L 43)

(Re: cl 8) instruction unit includes first and second instruction units (c7 L 41-c8 L 17; 25/33).

5. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown

6516242 which discloses:

(Re: cl 1) A specification unit configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c5 L 40-59);
Instruction unit configured to provide delivery procedure for second article (c5 L 60-c6 L 16; c8 L 22-35);

(Re: cl 2) pallet with at least one of: top and plurality of supports and shock absorbers (c7 L 23-48, springs serve as shock absorbers);

(Re: cl 3) system supplies components from a use warehouse to an article assembled with components production site (c8 L 22-c9 L 4)

(Re: cl4) instruction unit instructs management center to deliver article (c5 L 60-c6 L 16);

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c8 L22-52)

(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article (c8 L 43-53)

(Re: cl 7) third article (c8 L 22-35);
(Re: cl 9) both first article and second article are image formation devices (c4 L 54-67)
(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (c4 L 54-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudsen, Jr. in view of Otsuka et al. wherein Knudsen, Jr. discloses the elements previously discussed and Otsuka et al. discloses:

(Re: cl 3) system sales use warehouse; article assembled with components production site (c5 L 1-35)
(Re: cl4) instruction unit instructs management center to deliver article (c5 L 1-35).

It would have been obvious at the time of the invention to move production task completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Otsuka et al..

8. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudsen, Jr. wherein Knudsen, Jr. discloses the elements previously discussed.

The examiner takes official notice that it is well known to transport computer systems together including image forming apparatus such as computer systems with printers with monitors and memory storage devices. It would have been obvious at the time of the invention

to transport permutations of printers, monitors, and computer together on a article as these components are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions.

9. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudsen, Jr. in view of Aria et al. '055 (JP11-348055A) wherein Knudsen, Jr. discloses the elements, previously discussed and Aria et al. '055 discloses any elements not inherently taught by Knudsen, Jr. including:

(Re: cl 3) system sales use warehouse; article assembled with components production site (§ 2)

(Re: cl4) instruction unit instructs management center to deliver article (§ 4);

(Re: cl 9) both first article and second article are image formation devices (§ 111)

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (§ 111).

It would have been obvious at the time of the invention to move production task completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Aria et al. '055 and come up with the instant invention. It would have been obvious at the time of the invention for Knudsen, Jr. to transport permutations of printers, monitors, and computer together on a article as taught by Arai et al. '055 as these components are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions.

Response to Amendments/Arguments

10. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections. A mobile or portable rack is an article delivery and collection device, so Knudson, Jr. still reads on the substituted element.

Conclusion

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11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Of particular interest is the Thompson reference which discloses an Internet accessible fuel pump terminal.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (571) 272-6944. The fax number for the Group is (703) 305-7687.



Michael E. Butler

Examiner



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